

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PCT DIVISION**

I hereby certify that this correspondence is being facsimile transmitted, under 37 CFR, Section 1.8, to the Assistant Commissioner of Patents, PCT Division, Washington, D.C. 20231

ON: April 18, 2000  
(Date)

BY: \_\_\_\_\_  
(Signature)

BY: Linda Simpson  
(Typed or Printed name of person signing certificate)

To The Attention Of : Carol Bidwell

FAX Phone No. : (703) 305-2919

Message: PCT/US98/06452  
National Phase Application No. 09/194,021

As we discussed this morning, below is what I faxed to Mai in Deposit Accounts yesterday. Attached are the referenced attachments. Any help to get this account straightened out is greatly appreciated.

On November 18, 1998, we submitted a National Phase Application referencing an incorrect PCT Application No. PCT/US98/06542. It should have referenced PCT/US98/06452. As a result, our deposit account (03-2830) was charged additional monies based on the incorrect reference number.

We have taken care of all applicable informalities in National Phase Application No. 09/194,021, accept for this one. We are requesting that the monies that were charged to PCT/US98/06542 be reversed.

Attached is the DECISION signed by Leonard Smith, PCT Legal Examiner and Anthony Smith, Petitions Attorney, PCT Legal Office. Also attached is a copy of the Deposit Account Monthly Statement .

Number of pages, including this page: 6

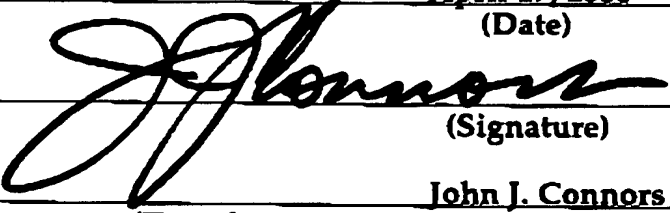
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PCT DIVISION**

I hereby certify that this correspondence is being facsimile transmitted, under 37 CFR, Section 1.8, to the Assistant Commissioner of Patents, PCT Division, Washington, D.C. 20231

ON: April 17, 2000  
(Date)

BY:   
(Signature)

BY: John J. Connors  
(Typed or Printed name of person signing certificate)

To The Attention Of : Mai

FAX Phone No. : (703) 308-6778

Message: PCT/US98/06452

On November 18, 1998, we submitted a National Phase Application referencing an incorrect PCT Application No. PCT/US98/06542. It should have referenced PCT/US98/06452. As a result, our deposit account (03-2830) was charged additional monies based on the incorrect reference number.

We have taken care of all applicable informalities in National Phase Application No. 09/194,021, accept for this one. We are requesting that the monies that were charged to PCT/US98/06542 be reversed.

Attached is the DECISION signed by Leonard Smith, PCT Legal Examiner and Anthony Smith, Petitions Attorney, PCT Legal Office. Also attached is a copy of the Deposit Account Monthly Statement .

Number of pages, including this page: 4

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Patent and Trademark Office

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JAN 13 2000

John J. Carter  
Connors & Associates  
1600 Dove Street  
Suite 220  
Newport Beach, CA 92660

LM  
1/20/00

In re Application of  
RUDOLPH, James M.  
Serial No.: 09/194,021  
PCT No.: PCT/US98/06452  
Int. Filing Date: 01 April 1998  
Priority Date: 03 April 1997  
For: FILE WITH SANITIZING AGENT & METHOD

DECISION

This is also in response to applicants' "PETITION UNDER 37 CFR 1.181 AND/OR PETITION UNDER 1.137(b)" which is being treated as a petition under 37 CFR 1.137(b). The petition fee of \$605 has been submitted.

**BACKGROUND**

On 01 April 1998, applicant filed international application No. PCT/US98/06452, which claimed a priority date of 03 April 1997. A proper Demand was filed with the International Preliminary Examining Authority prior to the 19th month, as a result the deadline for payment of the basic national fee was extended to expire 30 months from the priority date, or on 04 October 1999 (03 October 1999 was a Sunday).

On 18 November 1998, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, inter alia, the an authorization to charge the basic national fee to counsel's deposit account and a combined Declaration/Power of Attorney. The transmittal letter and Declaration/Power of Attorney referenced international application number PCT/US98/06542. It should have referenced international application number PCT/US98/06452.

On 27 August 1999, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration and surcharge was required. In response to the Notification of Missing Requirements, applicant filed a combined declaration/Power of Attorney referencing the incorrect international application number PCT/US98/06542.

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Application No.: 09/194,021

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The application was **ABANDONED** on 04 October 1999.

On 12 October 1999, applicant filed, via facsimile, a corrected transmittal letter for entry into the national stage in the United States accompanied by, inter alia, a combined declaration for patent application and Power of Attorney and a verified Statement(Declaration)claiming small entity status. The paper submitted referenced the correct international application number PCT/US98/06452.

On 24 November 1999, applicant filed the present "Petition Under 37 CFR 1.181 and/or Petition Under 1.137(b)" with the requisite fee for a small entity petition fee of \$605.00.

### **DECISION**

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper response was the submission of the payment of the basic national fee of \$335.00.

As to Item (2), the appropriate petition fee of \$605.00 as required by 37 CFR 1.17(m) has been submitted.

With regard to Item (3), applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED**

The NOTIFICATION OF ACCEPTANCE (FORM PCT/DO/EO/903) mailed to applicant on 18 October 1999, a was improperly mailed to applicant. Therefore, the 18 October 1999 Notification of Acceptance is hereby **VACATED**.

Application No.: 09/194,021

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The application has an international filing date of 01 April 1998 under 35 U.S.C. 363 and a date of 12 October 1999 under 35 U.S.C. 371(c) and 102(e).

This application is being forwarded to the National Stage Processing Branch of the International Division for treatment in accordance with this decision. that is for: (1) removing the papers to PCT/US98/06542 in the file; (2) placing the papers to PCT/US98/06452 in the file; (3) connecting PALM database; and (4) preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903). This application will then be forwarded to Application Processing Division for processing including the mailing of a filing receipt.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



Anthony Smith  
Petitions Attorney  
PCT Legal Office  
Tel: 703-308-6314  
Facsimile: 703-308-6459

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeMONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

CONNORS & ASSOCIATES  
ATTN: JOHN J CONNORS  
1600 DOVE NO.220

NEWPORT BEACH CA 92660

S AND TRADEMARKS

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Page	1

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3/6/99  
Wendy Claybrook

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CREDITS	BALANCE
O.	DAY	YR.						
8	30	99	170	09194021	RUDOLPH 8956.3	967	81. 219.00	725.00
8	30	99	172	09194021	" 8956.3	965	78. 117.00	608.00
8	31	99	40	SERVICE CHARGE		608	15. 25.00	583.00
								\$336.00
								\$301.00
								967 Claims - extra total (over 20)
								965 Claims - extra independent (over 3)
								608 Service charges for below min. bal
								39 x 3 = 117. / \$25. /
								216 - only 2 extra claims
								atties (rights) appn?
								967 SUBMITTED 63. / SHOULD HAVE 81. /
								965 64. / 78. /
								TOTAL DUE 18. /
								14. /
								\$52. /
								+ 25 = 77. /
								\$57. /
								\$62. / added more
								20 more
								1 more
								967
								965
OPENING BALANCE				TOTAL CHARGES		TOTAL CREDITS		CLOSING BALANCE
944.00				361.00		0.00		583.00

CONNORS & ASSOC  
SEP 15 1999  
Adjusted Balance

Sent in Rudolph  
petition to Revoke  
1/23/99 - how long  
we wait?